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Name of Person Certifying: Carol M. Gruppi

Date: October 26, 2000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John Schenk

Serial No.: 09/478,299

Filing Date: January 5, 2000

Title: Method of Cryopreserving Selected Sperm Cells

Assignee: XY, Inc.

Examiner: M. Meller

Group Art Unit: 1651

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## RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

This is in response to the Office Action dated May 26, 2000. This response is accompanied by a petition for an extension of time to extend the period to respond to the Office Action to October 26, 2000 and the appropriate fee under 37 C.F.R. § 1.16 and § 1.17. Accordingly this response is timely filed.

The Office Action dated May 26, 2000, requested that Applicant elect a species for prosecution on the merits as requested in the Restriction Requirement dated April 12, 2000. In the Restriction Requirement dated April 12, 2000, the Examiner stated that there were distinct inventions and required Applicants to elect one invention for prosecution on the merits. The distinct inventions, as set forth in the Restriction Requirement, are as follows:

I. Claims 1-26 and 35, drawn to methods of making a product and a product by process, classified in class 435, subclass various.

II. Claims 27-34, drawn to a product, classified in class 435, subclass 2; and